

Remarks

Reconsideration of this Application and entry of this Amendment are respectfully requested. Claims 1-6 and 8-21 are pending, with claim 1 being the sole independent claim. Claims 1, 20 and 21 are amended. Claims 3, 6, 8, 12-17 and 21 are withdrawn pending the allowance of generic claim 1 from which they directly or indirectly depend. Claims 7 and 22-41 are canceled without disclaimer of or prejudice to the subject matter thereof. In view of the amendments and following remarks, favorable consideration and allowance of the application is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 2, 4, 5, 18-20 and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,325,815 to Kusleika et al. The Examiner states that Kusleika et al. discloses a method of manufacturing a distal protection element that discloses each feature of independent claim 1, and claim 20 dependent there from, to include "reducing the wall thickness of the enclosure along at least a portion of the first end region" relying on "the wall thickness [being] reduced to 0 in the first end region at the location of the aperture." Office Action pp. 2-3.

The method of claim 1 has been amended to clarify that during the step of reducing, it is a thickness of the filaments, which comprise the braided enclosure, that is reduced. Support for this amendment may be found, inter alia, in paragraphs [0041] and [0043] of the specification. Applicants assert that Kusleika et al. does not teach or suggest reducing a thickness of the filaments that comprise filter body (52), and that to contend opening (56) or spaces between the filaments somehow disclose a reduction in the thickness of the braided filaments thereof would represent an unreasonable interpretation of the methods for forming those structures. For at least the foregoing reason, the method of claim 1 is not taught or suggested by Kusleika et al. Therefore, claim 1 is not anticipated by and is patentable over Kusleika et al.

Claims 2, 4, 5, and 18-20¹ that depend from and add further features to independent claim 1 are patentable for at least the reasons argued above with respect to the independent claim. While it is not necessary to address the Examiner's rejection of the dependent claims at

¹ Please note that claim 23 was canceled above without disclaimer of or prejudice to the subject matter thereof.

this time, Applicants reserve the right to support their patentability, when necessary. However, Applicants note with respect to the method of dependent claim 20, it is unclear how opening (56) of filter (50) in Kusleika et al. teaches a "gradual decrease" in thickness, as the wall of filter (50) has a thickness and opening (56) has no "thickness." Applicants assert that without more, an opening in a filter does not disclose, expressly or inherently, a "gradual decrease" in thickness of the filaments that comprise the filter body. As such, Applicants contend that Kusleika et al. does not teach or suggest the method of claim 20.

Rejections Under 35 U.S.C. §103(a)

Claims 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kusleika et al. as applied to independent claim 1 above in view of U.S. Patent No. 6,336,934 to Gilson et al. The Examiner relies on Gilson et al. as teaching a "device [which] is reduced by chemical etching." Office Action pp. 3-4.

Claims 9-11 directly or indirectly depend from and add further features to independent claim 1, which is argued above as not being anticipated by Kusleika et al. Gilson et al. does not make-up for the deficiencies of Kusleika et al. Particularly, Gilson et al. teaches chemically etching a film or covering fabric (31) to make it porous, *i.e.*, to create holes in the material, and does not teach or suggest a step of reducing a thickness of filaments that form a braided element, as recited in the method of claim 1. *See*, Gilson et al., col. 11:3-8. As such neither Kusleika et al. alone nor in combination with Gilson et al. anticipates or renders obvious claim 1. Therefore, dependent claims 9-11 are patentable over the combination of Kusleika et al. and Gilson et al. for at least the reasons argued with respect to claim 1. While it is not necessary to further address the Examiner's rejection of the dependent claims at this time, Applicants reserve the right to support their patentability, when necessary.

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. §1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any

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way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (978) 739-3075 Eastern Time.

Respectfully submitted,

/James F. Crittenden/
James F. Crittenden
Registration No. 39,560
Agent for Applicant

Medtronic Vascular, Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Facsimile No.: (707) 543-5420